

REMARKS

The undersigned thanks the Examiner for the telephone interview of October 29, 2008.

Response to Arguments

The following statement by the Examiner that “Applicant’s arguments filed 6-30-08 have been fully considered but they are not persuasive. Although applicants’ arguments are well noted, the limitations upon which the applicants are now relying appear to be questionable with regard to” is incomplete. During the interview, the Examiner explained that incomplete sentence relates to the rejection under 35 USC 112, first paragraph, for new matter.

The Examiner further states, “It should be noted that not only should support be set forth and identified for the wording of the limitations or any additional matter but the context to which the limitation applies should be the same.” Applicants respectfully submit that there is no law that supports the Examiner’s position that “that not only should support be set forth and identified for the wording of the limitations or any additional matter but the context to which the limitation applies should be the same.” If the Examiner thinks there is any law that supports the Examiner’s position, then Applicants would like to Examiner to bring the relevant law to the attention of the Applicants.

Response to Amendment

Claims 1-26, 28 were rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling.

This rejection is respectfully traversed.

Foremost, even though the rejection states that is rejection is under 35 U.S.C. 112, first paragraph, for lack of enabling disclosure, the details of the rejection are clearly focused on alleged new matter. Thus, the rejection is being treated as a new matter rejection, not for lack of enabling

disclosure, which the Examiner confirmed to the undersigned during the interview of October 29, 2008.

In the paragraph bridging pages 2 and 3 of the Action, the Examiner states:

Applicants newly amended limitations appear to be new matter since although the “exact wording” may be found in the specification, the context upon which it appears to be directed or meant to be directed is that of the polycarbonate and not to that [of] the polyacrylate. Note the inclusion of or an aliphatic or an alicyclic diol appears to [have] broadened [sic, broadened] the scope of the original disclosure.

Further it is not clear whether the changes of the matter have now changed the scope of the original invention in that the claims appear to be broader in scope and thus may be fully supported

Applicants respectfully submit that in the Amendment filed June 30, 2008, Applicants amended claim 1 by adding “an aliphatic or alicyclic diol.” This limitation is clearly disclosed throughout the specification, for example, in original claim 1 reciting “an aliphatic or alicyclic diol in which an aliphatic or alicyclic diol [is] equivalent to 1 to 5 weight percent in the polymer,” the Abstract, page 6, lines 12-13, page 8, line 9 from the bottom of the page, and page 19, line 13.

During the interview, the Examiner agreed that as “an aliphatic or alicyclic diol” was recited in original claim 1, the rejection under 35 USC 112, first paragraph, for new matter will be withdrawn.

For the record, Applicants would like to make the following clarifications.

The Examiner states that “the context upon which it [i.e., ‘an aliphatic or alicyclic diol’] appears to be directed or meant to be directed is that of the polycarbonate and not to that [of] the polyacrylate.” Applicants respectfully submit that the Examiner appears to be totally confused. There is no mention of polycarbonate or polyacrylate in the specification. The embodiments of claim 1 are directed to a “polyethylene terphthalate-containing polymer,” which is neither a polycarbonate nor a polyacrylate.

The Examiner further states that the “the inclusion of or an aliphatic or an alicyclic diol appears to [have] broaded [sic, broadened] the scope of the original disclosure.” This statement is not correct, though the Examiner might think so as the Examiner has incorrectly construed that the “the context upon which it [i.e., ‘an aliphatic or alicyclic diol’] appears to be directed or meant to be directed is that of the polycarbonate and not to that [of] the polyacrylate.”

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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